

OLC 75-1950/a
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CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

22 SEP 1975

Mr. James M. Frey
Assistant Director for Legislative Reference
Office of Management and Budget
Washington, D. C. 20503

Dear Mr. Frey:

This is in response to your request for the views of the Central Intelligence Agency on S. 205. This bill would require every Federal agency to fully and currently inform each congressional standing committee on all matters relating to the agency within the jurisdiction of that committee. A related requirement in the bill is that Federal agencies "furnish any information requested by any such standing committee with respect to the activities or responsibilities of that Agency within the jurisdiction of that committee."

The Central Intelligence Agency provides both substantive intelligence and operational information to the appropriate committees of the Congress. When requested by individual members or committees, we provide substantive briefings on foreign developments on matters within their jurisdiction. Thus far in 1975, for example, we have briefed committees or members on over 65 separate occasions, thus meeting every request. Congress has an important role in the formulation of our nation's foreign policy, and I believe CIA should help provide the foreign intelligence which will enable the Congress to effectively fulfill its responsibilities.

Although we are periodically asked by various committees for operational information, reports on these matters, pursuant to long-established procedures of the Congress, are provided only to our oversight committees. The only exception is information on non-intelligence gathering activities, which, pursuant to Section 662 of the Foreign Assistance Act of 1974 (P.L. 93-559), are reported to a total of six committees. We keep our oversight committees (the Armed Services and Appropriations Committees of both Houses) fully and currently informed regarding all our programs and activities, and we respond to their requests for information. I believe this practice enables these committees to beneficially exercise their



responsibilities of exercising legislative oversight and appropriating funds. We would not object to a statutory directive to keep these committees fully and currently informed and to respond to their requests for information; such a requirement would merely comport to our present practice.

S. 205, however, is not so narrowly phrased. Rather, the bill states that agencies must keep each standing committee fully and currently informed "with respect to all matters relating to that agency which are within the jurisdiction of such committee." I believe this language would lend itself to jurisdictional claims from diverse committees. In the case of an Agency like CIA with broad areas of expertise and diversified activities, this language could be cited by a large number of committees to require CIA to keep them fully and currently informed on a portion of our activities. This could result in the dissemination of extremely sensitive information to numerous committees. Recent experience with the Congress shows clearly that the wider and more uncontrolled the access to sensitive information, the greater the risk of inadvertent or purposeful disclosure.

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Moreover, the Senate and House Select Committees on Intelligence are expected to consider and make recommendations regarding the question of congressional oversight of CIA. I believe any change in our relations with the Congress should await the recommendations of those groups.

We at CIA are attempting to maintain a spirit of trust and cooperation with those in Congress who oversee our activities. Such a spirit can only be sustained if the Agency is not embroiled in competing claims of jurisdiction, and if committees with access to sensitive CIA information protect it. I am genuinely concerned that enactment of S. 205 will exacerbate our relations with the Congress, and I therefore oppose its enactment in its present form.

Sincerely,

SIGNED

Legislative Counsel

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EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

AUG 12 1975

LEGISLATIVE REFERRAL MEMORANDUM

To: Legislative Liaison Officer

(see attached list)

Subject: S. 205, a bill, "To amend the Legislative Reorganization Act of 1970 to provide that Federal agencies keep congressional committees fully and currently informed."

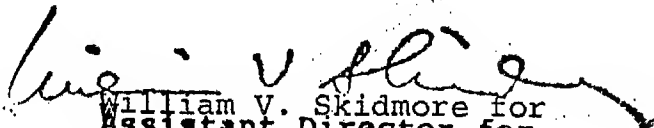
The Office of Management and Budget would appreciate receiving the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

() To permit expeditious handling, it is requested
X that your reply be made within 30 days.

() Special circumstances require priority treatment and accordingly your views are requested by

Questions should be referred to Bob Carlstrom

(395-3890) or to-----
the legislative analyst in this office.


William V. Skidmore for
Assistant Director for
Legislative Reference

Enclosures

cc: William Nichols
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ADDRESSEES

Department of Transportation
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Civil Service Commission
Securities and Exchange Commission
Federal Power Commission
Central Intelligence Agency
Nuclear Regulatory Commission
Environmental Protection Agency
Energy Research and Development Administration
Veterans Administration
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